

Senate Education Committee

Amendment No. 1 to SB1357

McNally
Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1357*

House Bill No. 1752

by deleting all of the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-714, is amended by deleting in its entirety subsection (a) and by substituting instead a new subsection (a) to read as follows:

(a)

(1) Notwithstanding any other law to the contrary, whenever an employee is absent from assigned duties as a result of personal injury caused by a physical assault or other violent criminal act committed against the employee in the course of the employee's duties which renders the employee incapable of performing their contractual duties, the employee shall be eligible for compensation without forfeiture or required use of accumulated sick leave or other leaves provided by the local education agency or included in locally negotiated agreements under the following conditions:

(A) The local board of education may authorize the director of schools to retain the employee on the regular payroll for a period of time not to exceed twenty-eight (28) calendar days; or

(B) The employee shall receive benefits, comparable to a workers' compensation program, for up to one (1) contract year after the injury, if the local education agency has workers' compensation coverage. If the local education agency does not

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have workers' compensation coverage, the benefits, procedures and standards for determining eligibility shall be the same as if the local education agency had workers' compensation. An employee who receives compensation under subdivision (a)(1)(A) shall also be eligible for compensation under this subdivision after cessation of the compensation in subdivision (a)(1)(A), but in no case shall an employee be eligible for compensation under this section for a period in excess of one (1) contract year.

(2) The employee shall, as soon as possible, notify the local education agency of the injury and the employee's intent to take leave in accordance with this section. The local board of education may periodically require a statement by the employee's treating physician that such continued absence is medically necessary. If the local board of education has workers' compensation coverage, a panel physician chosen by the employer shall perform this periodic evaluation.

(3) The local board of education shall have a right of subrogation up to the amount of compensation paid such employee under the provisions of this section should the employee later prevail in a civil action against the person or persons committing the assault.

(4) Nothing herein is intended to limit or restrict any right or remedy provided for in the Tennessee Workers Compensation Act or any equivalent benefit.

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SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring
it.